IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

Crl.MC.No. 742 of 2007()

AGAINST THE ORDER DATED 22/02/2007 IN CRMC 1418/06 IN CRMP.910/2007 of SESSIONS COURT, ERNAKULAM

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PETITIONER: ACCUSED 1 TO 5

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1. NAVAS, S/O.MR.ABDUL RAHIMAN KUTTY,
   BLAYIPARAMBIL HOUSE, EDAPPALLY TOLL,
   EDAPPALLY P.O.

2. RASEEF M.P., S/O.MR.PAREED,
   MANAKKAPRAMPIL HOUSE, EDAPPALLY TOLL,
   EDAPPALLY P.O.

3. V.H.AZAD, S/O.MR.HASSAINAR,
   VALLEPPILLY HOUSE,
   EDAPPALLY TOLL, EDAPPALLY P.O.

4. NIFAL M.P., S/O.MOHAMMED KUNJU,
   VELLAKKAL HOUSE, EDAPPALLY TOLL,
   EDAPPALLY.P.O.

5. SUBAIR, S/O.MR.ABDUL RAHIMAN,
   THOPPIL PARAMBIL HOUSE,
   VETTEKUNNAM, KALAMMASSERY.

BY ADV. SRI.C.A.MAJEED

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE,
KALAMASSERY POLICE STATION, BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 742 of 2007

DATED: 19-3- 2007

O R D E R

Petitioners who are the accused in Crime No. 451 of 2004 of Kalamassery Police Station for offences punishable under Sections 143, 147, 148, 341, 452, 323, 324, 326and 427 read with Sec. 149 I.P.C. were granted bail by the Sessions Court, Ernakulam as per order dated 22-11-2006 in Crl.M.C. No. 1418 of 2006. The said order was subject to condition that they should appear before the investigating officer on 27-11-2006.

2. Admittedly, they did not appear before the investigating officer on the specified date. According to the petitioners, on the subsequent day when they appeared before the investigating officer they were directed to appear before the Judicial First Class Magistrate, Aluva for seeking regular bail. Petitioners would have it that the Magistrate did not entertain their bail for the reason that no provision has been made to that effect in the anticipatory bail order granted by the Sessions Court. Hence this petition under Section 482 Cr.P.C.

3. After hearing the learned counsel for the petitioner and

the learned Public Prosecutor, I am inclined to grant the petitioners one more opportunity to surrender before the investigating officer for the purpose of working out the initial bail granted by the Sessions Court. Accordingly, the petitioners are directed to surrender before the investigating officer on or before 26-3-2007 for the purpose of interrogation. They shall, thereafter, be released on bail on appropriate conditions for a period of one month after that they shall seek regular bail from the Magistrate concerned. This benefit is given to the petitioner notwithstanding the order dated 22-2-2007 passed by the Sessions Court in Crl. M.P. 910 of 2007.

This Crl.M.C. is disposed of accordingly.

V.RAMKUMAR, JUDGE

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